

JOURNAL
OF THE
EXECUTIVE PROCEEDINGS

OF THE
SENATE

OF THE
UNITED STATES OF AMERICA

FROM MARCH 4, 1829, TO MARCH 3, 1837, INCLUSIVE.

VOL. IV.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1887.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 28, 1886.

Resolved, That the entire Executive Journal of the Senate, from the 23d February, 1829, the date to which the said proceedings have already been printed and published by order of the Senate, be printed, to the end of the last session of the Fortieth Congress, under the direction of the Secretary of the Senate, with a copious and comprehensive index to each volume, and that one hundred copies thereof be printed.

Resolved, That until the further order of the Senate the said print shall not be made public.

Attest:

ANSON G. McCOOK,

Secretary.

EXECUTIVE PROCEEDINGS OF THE SENATE, U. S., AT A SPECIAL
SESSION, BEING THE FIFTY-SECOND.

WEDNESDAY, MARCH 4TH, 1829.

The President of the United States to ———, Senator for the State of ——— :

Certain matters, touching the public good, requiring that the Senate of the United States should be convened on Wednesday, the fourth day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day ; then and there to receive and deliberate on such communications as shall be made to you.

JOHN QUINCY ADAMS.

WASHINGTON, 12th Jan'y, 1829.

In conformity with the summons from the President of the United States, above recited, the Senate assembled in their Chamber, in the city of Washington.

PRESENT :

John C. Calhoun, Vice-President of the United States and President of the Senate.

From the State of New Hampshire.

The Honble. { Samuel Bell,
 { Levi Woodbury.

From the State of Massachusetts.

The Honble. { Nathaniel Silsbee,
 { Daniel Webster.

From the State of Rhode Island and Providence Plantations.

The Honble. { Nehemiah R. Knight,
 { Asher Robbins.

From the State of Connecticut.

The Honble. { Samuel A. Foot,
 { Calvin Willey.

From the State of Vermont.

The Honble. { Dudley Chase,
 { Horatio Seymour.

From the State of New York.

The Honble. { Charles E. Dudley,
Nathan Sanford.

From the State of New Jersey.

The Honble. { Mahlon Dickerson,
Theodore Frelinghuysen.

From the State of Pennsylvania.

The Honble. { Isaac D. Barnard,
William Marks.

From the State of Delaware.

The Honble. { John M. Clayton,
Louis McLane.

From the State of Maryland.

The Honble. { Ezekiel F. Chambers,
Samuel Smith.

From the State of Virginia.

The Honble. { John Tyler,
Littleton W. Tazewell.

From the State of North Carolina.

The Honble. { John Branch,
James Iredell.

From the State of South Carolina.

The Honble. { Robert Y. Hayne,
William Smith.

From the State of Georgia.

The Honble. John McPherson Berrien.

From the State of Kentucky.

The Honble. { George M. Bibb,
John Rowan.

From the State of Tennessee.

The Honble. { John H. Eaton,
Hugh L. White.

From the State of Ohio.

The Honble. { Jacob Burnet,
 { Benjamin Ruggles.

From the State of Louisiana.

The Honble. { Josiah S. Johnston,
 { Edward Livingston.

From the State of Indiana.

The Honble. { William Hendricks,
 { James Noble.

From the State of Illinois.

The Honble. { Elias K. Kane,
 { John McLean.

From the State of Alabama.

The Honble. { William R. King,
 { John McKinley.

From the State of Maine.

The Honble. { John Holmes,
 { Peleg Sprague.

From the State of Missouri.

The Honble. { David Barton,
 { Thomas H. Benton.

Mr. Smith, of Md., administered the oath of office to the Vice-President, who thereupon took the chair.

The Vice-President laid before the Senate the credentials of the Honorable Samuel Bell, appointed a Senator by the legislature of the State of New Hampshire for the term of six years commencing this day; and, also, the credentials of the Honorable Nathaniel Silsbee, appointed a Senator by the legislature of the State of Massachusetts for the term of six years commencing this day.

Mr. Dickerson presented the credentials of the Honorable Theodore Frelinghuysen, appointed a Senator by the legislature of the State of New Jersey for the term of six years commencing this day.

Mr. Holmes presented the credentials of the Honorable Peleg Sprague, appointed a Senator by the legislature of the State of Maine for the term of six years commencing this day.

Mr. Johnston presented the credentials of Honble. Edward Livingston, appointed a Senator by the legislature of the State of Louisiana for the term of six years commencing this day; and

The credentials were respectively read.

The oath prescribed by law was administered to Mr. Bibb, Mr. Branch, Mr. Clayton, Mr. Hayne, Mr. King, Mr. Knight, Mr. McLean, of Illi., Mr. Tazewell, and Mr. White, whose credentials were read and filed during the last session; and to the Senators whose credentials were presented this day.

The President of the United States and the Judges of the Supreme Court having entered the Senate Chamber,

On motion by Mr. Smith, of Md.,

The Senate adjourned until 12 o'clock to-morrow.

The President of the United States, attended by the Vice-President, the Judges of the Supreme Court, the Senators and the marshals of the day, then proceeded to the eastern portico of the Capitol, where he made an address to the audience, which will appear on the appendix to the Legislative Journal, 20th Congress, 2nd session; and the oath of office was administered by the Chief Justice.

THURSDAY, MARCH 5, 1829.

On motion by Mr. White,

Ordered, That a committee be appointed to wait on the President of the United States and notify him that the Senate is assembled and ready to receive any communications he may be pleased to make.

Mr. Smith, of Maryland, and Mr. White were appointed the committee.

The following message, received from the President of the United States the 27th February, was read:

To the Senate of the United States:

I transmit herewith to the Senate, for their Constitutional advice, with regard to its ratification, a treaty of amity, commerce, and navigation between the United States and His Majesty the Emperor of Brazil, signed by the plenipotentiaries of the respective Governments at Rio de Janeiro, on the 12th day of December last. A copy of the treaty is likewise inclosed, with copies of the instructions under which it was negotiated, and a letter from Mr. Tudor, elucidating some of its provisions. It is requested that, at the convenience of the Senate, the original papers may be returned to the Department of State.

JOHN QUINCY ADAMS.

WASHINGTON, 26th February, 1829.

On motion by Mr. Webster,

Ordered, That the treaty be referred to a select committee, and be printed in confidence for the use of the Senate.

It was agreed by unanimous consent that the committee be appointed by the Vice-President.

Mr. Tazewell, Mr. Sanford, Mr. White, Mr. Berrien, and Mr. Bell were accordingly appointed.

The following message, received the 27th February, 1827, from the President of the United States, was read:

To the Senate of the United States:

I nominate for promotion in the Army of the United States the officers whose names are annexed to the inclosed letter from the Secretary of War, each officer to the rank proposed in the list from the Adjutant-General's Office.

JOHN QUINCY ADAMS.

WASHINGTON, 26th February, 1829.

WAR DEPARTMENT, 24 *February*, 1829.

SIR: I have the honor to lay before you the annexed list of promotions in the Army of the United States.

I have the honor to be, sir, with great respect,

Your obedient servant,

P. B. PORTER.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE,

Washington, 24 *Feb'y*, 1829.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Corps of Engineers.

Br. 2nd Lt. Alexander H. Bowman to be 2d lt., 1st July, 1825.

Topographical Engineers.

Br. Captain William T. Poussin, assistant topographical engineer, to be topographical engineer, 15 Jan'y, 1829, with the brevet rank of major, vice Roberdeau, deceased.

1st Lt. James D. Graham, of the 3d Artillery, to be assistant topographical engineer, 15 January, 1829, with the brevet rank of captain, vice Poussin promoted.

4th Regiment of Infantry.

1st Lieut. George W. Allen to be captain, 25th January, 1829, vice Yancey, deceased.

2nd Lieutenant George A. McCall to be 1st lieut., 25th January, 1829, vice Allen promoted.

Br. 2nd Lieut. Washington Hood to be 2nd lieut., 1 July, 1827.

The following message from the President of the United States, received the 2d day of March, was read:

To the Senate of the United States:

I nominate George M. Taylor, of New York, Edward P. Pierson, of New Jersey, Grenville C. Cooper, of Massachusetts, and William A. Slacum, of Florida, to be pursers in the Navy of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, 28 *February*, 1829.

Mr. White, from the committee appointed to wait on the President of the United States and notify him that the Senate is assembled and ready to receive any communications that he may be pleased to make, reported that they had performed that duty, and that the President informed them that he would to-morrow make a communication to the Senate.

The following message from the President of the United States, received and considered the 3d instant in legislative session, was, at that time, on motion by Mr. Tazewell, ordered to be transferred, with the accompanying documents, to the Executive Journal:

To the Senate and House of Representatives of the United States:

I herewith transmit a copy of the instructions prepared by the Secretary of State, and furnished to the ministers of the United States appointed to attend at the assembly of the American plenipotentiaries

first held at Panama, and then transferred to Tacubaya. The occasion upon which they were given has passed away, and there is no present probability of the renewal of these negotiations; but the purposes for which they were intended are still of the deepest interest to our country, and to the world, and may hereafter call again for the active efforts and beneficent energies of the Government of the United States. The motives for withholding them from general publication having ceased, justice to the Government from which they emanated, and to the people for whose benefit it was instituted, require that they should be made known. With this view, and from the consideration that the subjects embraced by these instructions must, probably, engage hereafter the deliberations of our successors, I deem it proper to make this communication to both houses of Congress. One copy only of the instructions being prepared, I send it to the Senate, requesting that it may be transmitted also to the House of Representatives.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3d*, 1829.

The Senate then adjourned.

FRIDAY, MARCH 6, 1829.

The following resolution, submitted by Mr. Sanford, was considered and agreed to:

Resolved, That the Executive Journal of the Senate, for the two last sessions, be printed and published, under the direction of the Secretary of the Senate, in connection with the preceding parts of that Journal, which were directed to be printed and published by the resolution of the fourth day of April last.

The following messages were received from the President of the United States, by Mr. Andrew J. Donaldson, his secretary:

To the Senate of the United States:

GENTLEMEN: The Executive nominations made during the past session of Congress, and which remain unacted on by the Senate, I hereby withdraw from their consideration.

ANDREW JACKSON.

MARCH 6TH, 1829.

To the Senate of the United States:

GENTLEMEN: The offices of Secretary of State and Secretary of the Treasury being vacant, I nominate the following persons to fill them:

Martin Van Buren, of the State of New York, to be Secretary of State, and Samuel D. Ingham, of Pennsylvania, to be Secretary of the Treasury.

I also nominate John McLean, of Ohio, now Postmaster-General, to be Associate Judge of the United States, in the place of Robert Trimble, deceased.

John W. Campbell, of Ohio, to be district judge of the United States, in the place of C. W. Bird, deceased.

Samuel H. Harper, of Louisiana, to be district judge of the United States, in the place of Thomas B. Robertson, deceased.

Andrew Dunlap, of Massachusetts, to be district attorney of the United States for the district of Massachusetts.

John Slidell, of Louisiana, to be district attorney of the United States for the eastern district of Louisiana.

ANDREW JACKSON.

MARCH 6TH, 1829.

The messages were severally read, and the last-mentioned message was considered, by unanimous consent.

Resolved, That the Senate advise and consent to the appointments of Martin Van Buren and Samuel D. Ingham agreeably to their respective nominations.

The Senate then adjourned.

SATURDAY, MARCH 7, 1829.

The Senate resumed the consideration of the message nominating Martin Van Buren and others to offices; and

Resolved, That they advise and consent to the appointments of John McLean, John W. Campbell, Samuel H. Harper, and John Slidell, agreeably to their respective nominations.

On the question, "Will the Senate advise and consent to the appointment of Andrew Dunlap?"

It was decided in the affirmative, {	Yeas	25
	Nays	20

On motion by Mr. Holmes,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barnard, Barton, Benton, Berrien, Bibb, Branch, Dickerson, Dudley, Eaton, Hayne, Iredell, Kane, King, Livingston, McKinley, McLane of Delaware, McLean of Illinois, Rowan, Sanford, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

Those who voted in the negative are,

Messrs. Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marks, Noble, Robbins, Ruggles, Seymour, Silsbee, Sprague, Webster, Willey.

So it was

Resolved, That the Senate advise and consent to the appointment of Andrew Dunlap, agreeably to the nomination.

The following message was received from the President of the United States, by Mr. Andrew J. Donaldson, his secretary:

Gentlemen of the Senate:

The treaty of commerce and navigation, concluded at Washington on the 1st of May, 1828, between the United States and the King of Prussia, was laid before the Senate, who, by their resolution of the 14th of that month, advised and consented to its ratification by the President.

By the 16th article of that treaty it was agreed that the exchange of ratifications should be made within nine months from its date.

On the 15th day of February last, being fifteen days after the time stipulated for the exchange by the terms of the treaty, the chargé d'affaires of the King of Prussia informed the Secretary of State that he had received the Prussian ratification, and was ready to exchange it for that of the United States. In reply, he was informed of the intention of the President, my late predecessor, not to proceed to the exchange, in consequence of the expiration of the time within which it was to be made.

Under these circumstances I have thought it my duty, in order to avoid all future questions, to ask the advice and consent of the Senate to make the proposed exchange.

I send you the original of the treaty, together with a printed copy of it.

ANDREW JACKSON.

MARCH 6, 1829.

The message was read.

Ordered, That it be referred to the committee to whom was referred, the 5th instant, the treaty with Brazil.

The Senate then adjourned.

MONDAY, MARCH 9, 1829.

On motion by Mr. Kane,

Ordered, That a committee be appointed, in pursuance of the 33d rule, to audit and control the contingent expenses of the Senate.

It was agreed that the Vice-President appoint the committee, and Mr. Kane, Mr. Hendricks, and Mr. Chambers were appointed accordingly.

Agreeably to notice, Mr. Benton asked and obtained leave to bring in the following resolution; which was read and passed to the second reading:

Resolved, That the Secretary of the Senate be directed to purchase — copies of the 3d volume of Gales and Seaton's Register of Debates, being the debates of the second session of the Nineteenth Congress; one copy of which shall be distributed to each member of the present Senate, and to each ex-member of the Senate during the Nineteenth Congress; six copies shall be kept in the Senate Chamber when the Senate is in session; six copies shall be placed in the office of the Secretary of the Senate; and the remainder shall be kept by the Secretary for the future disposition of the Senate.

The following messages were received from the President of the United States, by Mr. Donaldson, his secretary:

To the Senate of the United States:

GENTLEMEN: The offices of Secretary of War, Secretary of the Navy, and Attorney-General of the United States, being now vacant, I nominate the following persons to fill them, viz:

John H. Eaton, of Tennessee, to be Secretary of War.

John Branch, of North Carolina, to be Secretary of the Navy.

John McPherson Berrein, of Georgia, to be Attorney-General of the United States.

ANDREW JACKSON.

MARCH 9TH, 1829.

To the Senate of the United States:

GENTLEMEN: I nominate John R. Williams, to be major-general in the militia of the Territory of Michigan.

Charles Learned to be brigadier-general of the First Brigade, and John Stockton to be brigadier-general of the Second Brigade, in said Territory.

ANDREW JACKSON.

MARCH 9TH, 1829.

To the Senate of the United States:

GENTLEMEN: I nominate William T. Barry, of Kentucky, to fill the office of Postmaster-General, now vacant by the resignation of John McLean.

I also nominate John Pope, of Kentucky, to be governor of the Territory of Arkansas, vice General Izard, deceased.

ANDREW JACKSON.

MARCH 9TH, 1829.

To the Senate of the United States:

GENTLEMEN: I nominate Colonel William Marshall to be marshal of the district of Indiana, vice John Vawter, whose term has expired.

I also nominate the following persons to fill the several offices annexed to their names, respectively, viz:

Thomas Scott, to be register of the land office at Chillicothe, Ohio, March 3d, 1829.

Peyton S. Symmes, register of the land office at Cincinnati, Ohio, March 3d, 1829.

Richard K. Call, receiver of public moneys for the land office of West Florida, March 3, 1829.

Joseph Wood, register of the land office at Marietta, Ohio, March 3, 1829.

Edward Humphreys, receiver of public moneys for the district of Kaskaskia, March 5, 1829.

Joseph Kitchell, register of the land office for the district of Palestine, Illinois, March 5, 1829.

Guy W. Smith, receiver of public moneys for the district of Palestine, Illinois, March 5, 1829.

Alexander Pope, register of the land office for the district of Cahawba, March 7, 1829.

John Hughes, to be register of the land office for the district of Oachita, March, 7, 1829.

Henry Bry, receiver of public moneys for the district of Oachitta, March 7, 1829.

William Christy, register of the land office for the district of St. Louis, March 7, 1829.

ANDREW JACKSON.

MARCH 9TH, 1829.

The messages were severally read.

The Senate proceeded to their consideration, by unanimous consent; and

Resolved, That they advise and consent to the appointments contained therein, agreeably to the respective nominations.

Mr. Tazewell, from the committee to whom was referred the message of yesterday, relating to the exchange of ratifications of the treaty with Prussia, reported the treaty, together with the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate having re-examined the treaty of commerce and navigation, concluded at Washington on the first day of May, 1828, between the United States and the King of Prussia, do again consent thereto, and advise the President of the United States to proceed to the exchange of the ratifications of the same, notwithstanding the expiration of the time stipulated for this exchange by the terms of the treaty.

The Senate proceeded to consider the resolution; and

On the question to agree thereto,

It was determined in the affirmative, yeas 41.

Those who voted are,

Messrs. Barnard, Barton, Bell, Benton, Bibb, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Haynes, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, McLane of Delaware, McLean of Illinois, Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Smith of S. C., Sprague, Tazewell, Tyler, White, Willey, Woodbury.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, MARCH 10, 1829.

The resolution directing the purchase of a number of copies of Gales and Seaton's Register of Debates was read the second time.

On motion by Mr. Woodbury,

Ordered, That it lie on the table.

Mr. Tazewell, from the Committee on Foreign Relations, to whom was referred the treaty with the Emperor of Brazil, reported the treaty without amendment.

The treaty was considered, as in Committee of the Whole; and no amendment having been made thereto, it was reported to the Senate.

Mr. Tazewell submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States of America and His Majesty the Emperor of Brazil, concluded at the city of Rio de Janeiro the 12th day of December, 1828.

The Senate proceeded to consider the resolution, by unanimous consent; and

On the question to agree thereto,

It was determined in the affirmative, yeas 37.

Those who voted are,

Messrs. Barnard, Barton, Bell, Bebb, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, Livingston, McKinley, McLane of Del., McLean of Illi., Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Sprague, Tazewell, Tyler, White, Willey, Woodbury.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Tazewell,

Ordered, That the Secretary return to the President of the United States the original treaties with Prussia and Brazil.

Mr. Chambers submitted the following motion; which was read:

Ordered, That the Secretary of the Senate be directed to subscribe for six hundred and eighty-seven copies of the Congressional documents proposed to be published by Gales and Seaton.

The Vice-President laid before the Senate a memorial of Messrs. Gales and Seaton, soliciting a subscription in behalf of the United States to a proposed compilation of executive and legislative documents connected with the history of Congress anterior to the year 1815.

The memorial was read.

The following message was received from the President of the United States, by Mr. Donaldson, his secretary:

To the Senate of the United States:

GENTLEMEN: I nominate the following persons to fill the offices respectively annexed to their names, for your advice and consent:

Mark Dennett, collector of the customs for the district and inspector of the revenue for the port of York, Maine, from January 4, 1829.

Francis Baylies, collector of the customs for the district and inspector of the revenue for the port of New Bedford, March 3, 1829.

Isaiah L. Green, collector of the customs for the district and inspector of the revenue for the port of Barnstable, March 3, 1829.

Barnabas Palmer, collector of the customs for the district and inspector of the revenue for the port of Kennebunk, February 28, 1829.

Denny McCobb, collector of the customs for the district and inspector of the revenue for the port of Waldoboro, March 3, 1829.

Joshua Prentiss, surveyor, and inspector of the revenue for the port of Marblehead, March 3, 1829.

I. B. Barton, surveyor and inspector of the revenue for the port of Providence, Rhode Island, March 3, 1829.

George Brown, surveyor and inspector of the revenue for the port of Pawcatuck, Rhode Island, March 3, 1829.

William H. Ellis, collector of the customs for the district of New Haven, March 3, 1829.

John Ferguson, naval officer for the port of New York, March 3, 1829.

Copeland Parker, surveyor and inspector of the revenue for the port of Norfolk, March 3, 1829.

Robert Butler, surveyor and inspector of the revenue for the port of Smithfield, March 3, 1829.

Nathan'l Holland, collector of the customs for the district and inspector of the revenue for the port of Cherrystone, March 3, 1829.

Francis Hawks, collector of the customs for the district and inspector of the revenue for the port of Newbern, March 3, 1829.

Samuel Starkweather, collector of the customs for the district of Cuyahoga and inspector of the revenue for the port of Erie, March 3, 1829.

John F. Scamman, collector of the customs for the district and inspector of the revenue for the port of Saco, March 9, 1829.

Thomas McCrate, collector of the customs for the district and inspector of the revenue for the port of Wiscasset, March 9, 1829.

Thomas Foster, collector of the customs for the district and inspector of the revenue for the port of Presque Isle, March 9, 1829.

George W. Owen, collector of the customs for the district and inspector of the revenue for the port of Mobile, March 9, 1829.

John Willis, collector of the customs for the district and inspector of the revenue for the port of Oxford, March 9, 1829.

Walter R. Danforth, collector of the customs for the district of Providence, R. I., March 9, 1829.

Allen McLane, collector of the customs for the district of Delaware, and inspector of the revenue for the port of Wilmington, March 9, 1829.

James Mosher, surveyor and inspector of the revenue for the port of Baltimore, March 9, 1829.

John Slocum, surveyor and inspector of the revenue for the port of Newport, March 10th, 1829.

Nathan'l Phillips, surveyor and inspector of the revenue for the ports of Warren and Barrington, March 10, 1829.

Oliver Champlain, surveyor and inspector of the revenue for the port of New London, March 10, 1829.

John H. Peterson, surveyor and inspector of the revenue for the port of Petersburg and Richmond, March 10, 1829.

Joseph Prentiss, surveyor and inspector of the revenue for the port of Suffolk, March 10, 1829.

Samuel Spotts, surveyor and inspector of the revenue for the port of New Orleans.

Noah A. Phelps, collector of the customs for the district of Middletown.

Daniel Foster, naval officer for the port of Newburyport.

Schuyler Sampson, collector of the customs for the district, and inspector of the revenue for the port of Plymouth, Massachusetts.

Richard Bradley, surveyor and inspector of the revenue for the port of Wilmington, N. C.

John Chandler, collector of the customs for the district of Portland and Falmouth.

James N. Barker, collector of the customs for the district of Philadelphia.

James Parker, collector of the customs for the district and inspector of the revenue for the port of Perth Amboy.

Charles Durfee, surveyor and inspector of the revenue for the port of Tiverton, R. I.

P. R. R. Pray, collector of the customs for the district and inspector of the revenue for the port of Pearlinton, Miss.

George W. Tucker, collector of the customs for the district and inspector of the revenue for the port of Little Egg Harbor, N. J.

ANDREW JACKSON.

MARCH 10, 1829.

The message was read.

Mr. Benton submitted the following motion :

Ordered, That the message of the President of the United States, transmitting to the Senate the instructions to the ministers of the United States at the congress at Panama, with the accompanying documents, be referred to the committee appointed the 5th instant.

The Senate proceeded to consider the motion ; and

After debate,

On motion of Mr. Smith, of Md.,

The Senate adjourned.

WEDNESDAY, MARCH 11, 1829.

The resolution to authorize a subscription for a certain number of copies of the Congressional documents, proposed to be published by Gales and Seaton, was read the second time, and considered as in Committee of the Whole.

On motion by Mr. White that the resolution lie on the table,

It was determined in the affirmative, { Yeas..... 25
Nays..... 15

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Barnard, Bibb, Burnet, Dickerson, Dudley, Frelinghuysen, Hayne, Hendricks, Iredell, Kane, King, Livingston, McKinley, McLane of Del., McLean of Illi., Noble, Rowan, Ruggles, Sanford, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

Those who voted in the negative are,

Messrs. Bell, Chambers, Chase, Clayton, Foot, Holmes, Johnston, Knight, Marks, Robbins, Seymour, Silsbee, Sprague, Webster, Willey.

The following messages were received from the President of the United States, by Mr. Donaldson, his secretary :

To the Senate of the United States :

I nominate Masters Commandant Beekman V. Hoffman, Jesse Wilkinson, Thomas Ap Catesby Jones to be post captains in the Navy.

Lieutenants Samuel W. Adams, Silas Duncan, James Ramage, David Geisinger to be masters commandant in the Navy.

Passed midshipman George Adams to be a lieutenant, to rank next after Hugh Y. Purviance.

Passed midshipman John H. Marshall to be lieutenant, and to take

rank next after William C. Whittle; passed midshipman Thompson D. Shaw to be lieutenant, and to take rank next after Rich'd H. Morris; passed midshipman Samuel Lockwood to be lieutenant, and to take rank next after Robert D. Thorburn; passed midshipman Hillary H. Rhodes to be lieutenant, and to take rank next after Paul H. Hayne; passed midshipman Cary H. Hansford to be lieutenant, and to take rank next after Fred'k A. Neville; passed midshipmen John W. Mooers and Charles C. Turner to be lieutenants, and to take rank next after Hampton Westcott.

Passed Assistant Surgeons Stephen Rapalje, Robert P. Macomber to be surgeons in the Navy, and to take rank in the order in which they stand now, and from the 4th of Dec'r, 1828.

E. H. Freeland, Richard Barnum, Frederick Wessels, H. N. Glentworth to be assistant surgeons, and to take rank in the order in which they now stand.

First Lieutenant E. J. Weed to be captain by brevet in the United States Marine Corps, from the 7th November, 1828, for ten years' faithful service.

First Lieutent Joseph C. Hall to be captain by brevet in the United States Marine Corps, from the 3d of March, 1829, for ten years' faithful service.

Alexander Clinton McLean, of New York, to be a second lieutenant in the United States Marine Corps.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States:

I nominate Grenville C. Cooper, of Massachusetts, and Francis B. Stockton, of New York, to be pursers in the Navy.

ANDREW JACKSON.

WASHINGTON CITY, 10 March, 1829.

To the Senate of the United States:

GENTLEMEN: Brevet rank, for ten years' faithful service, has produced much confusion in the Army. For this reason the discretion vested in the President of the United States on this subject would not be exercised by any submission of those cases to the Senate but that it has been heretofore the practice to do so. They are accordingly submitted, with other nominations to fill the offices respectively annexed to their names in the inclosed lists, for the consideration of the Senate.

ANDREW JACKSON.

MARCH 11, 1829.

DEPARTMENT OF WAR,
March 11, 1829.

SIR: I have the honor of laying before you the following nominations for appointment:

Callender Irvine, of Pennsylvania, to be commissary-general of purchases.

Colonel Charles Gratiot, of the Army of the United States, Chief Engineer, to be a brigadier-general in said Army by brevet, to rank from the 24th of May, 1828, for meritorious services and general good conduct.

Very respectfully, I have the honor to be y'r ob't serv't,
JOHN H. EATON.

To the PRESIDENT OF THE UNITED STATES.

List referred to :

Corps of Engineers.

Br. Lt. Alexander H. Bowman to be 2d lieut., 1 July, 1825.

Topographical Engineers.

Br. Captain William T. Poussin, assistant topographical engineer, to be topographical engineer, 15 Jan'y, 1829, with the brevet rank of major, vice Roberdeau, deceased.

1st Lieut. James D. Graham, of the 3d Artillery, to be assistant topographical engineer, 15 Jan'y, 1829, with the brevet rank of captain, vice Poussin, promoted.

Third Regiment of Infantry.

2d Lieut. Egbert B. Birdsall to be 1 lt., 17th February, 1829, vice Hopson, deceased.

Br. 2nd Lieut. Jefferson Van Horne to be 2nd lieut., 1 July, 1827.

Fourth Regiment of Infantry.

1 Lt. George W. Allen to be captain, 25 January, 1829, vice Yancey, deceased.

2d Lt. George A. McCall to be 1 lt., 25th January, 1829, vice Allen, promoted.

Br. 2nd Lieutenant Washington Hood to be 2d lt., 1 July, 1827.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States :

I nominate to the Senate the following persons for the situations respectively attached to their names:

BREVET PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Walker K. Armistead, col. 3d Reg't of Artillery, 12th Nov'r, 1818, to be brigadier-general by brevet, to take rank from 12th November, 1828, for faithful service ten years in one grade.

Willoughby Morgan, lt. col. 5th Regiment of Infantry, 10th November, 1818, to be colonel by brevet, to take rank from 10th November, 1828, for faithful service ten years in one grade.

Hartman Bache, assistant topographical engineer, to be major by brevet from 24th July, 1828, having served faithfully as a brevet captain, and performed the appropriate duties of that grade for ten years consecutively.

Bennet Riley, captain 6th Reg't of Infantry, 6th August, 1818, to be major by brevet, to take rank from 6th Aug't, 1828, for faithful service ten years in one grade.

Thomas J. Beall, captain 2d Regiment of Infantry, 26th September, 1818, to be major by brevet, to take rank from 26th September, 1828, for faithful service ten years in one grade.

Russell B. Hyde, captain 7th Regiment of Infantry, 31st October, 1818, to be major by brevet, to take rank from 31st October, 1828, for faithful service ten years in one grade.

Theodore W. Maurice, captain in the Corps of Engineers, 12th November, 1818, to be major by brevet, to take rank from 12th November, 1828, for faithful service ten years in one grade.

Richard A. Zantzinger, captain 2d Regiment of Artillery, 12th December, 1818, to be major by brevet, to take rank from 12th December, 1828, for faithful service ten years in one grade.

Nathaniel Young, captain 7th Regiment of Infantry, 1st January, 1819, to be major by brevet, to take rank from 1st January, 1829, for faithful service ten years in one grade.

Henry W. Griswold, 1st lieutenant, 1st Regiment of Artillery, 12th December, 1818, to be captain by brevet, to take rank from 12th December, 1828, for faithful service ten years in one grade.

Robert L. Armstrong, 1st lieutenant, 2d Regiment of Artillery, 2d July, 1818, to be captain by brevet, to take rank from 2d July, 1828, for faithful service ten years in one grade.

Patrick H. Galt, 1st lieutenant, 4th Regiment of Artillery, 26th September, 1818, to be captain by brevet, to take rank from 26th Sept'r, 1828, for faithful service ten years in one grade.

James Monroe, 1st lieutenant, 4th Regiment of Artillery, 31st December, 1818, to be captain by brevet, to take rank from 31st Dec'r, 1828, for faithful service ten years in one grade.

George W. Allen, 1st lieutenant, 4th Reg't of Infantry, 1 Jan'y, 1819, to be captain by brevet, to take rank from 1st Jan'y, 1829, for faithful service ten years in one grade.

John Page, first lieutenant, 4th Regiment of Infantry, 1st January, 1819, to be captain by brevet, to take rank from 1st January, 1829, for faithful service ten years in one grade.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States :

I nominate to the Senate the persons following for the appointments respectively attached to their names :

Brevet promotion of officers on war brevets conferred for gallant actions and meritorious conduct.

Brigadier-general by brevet.

Colonel John A. Fenwick, colonel of the 4th Artillery, to be brigadier-general by brevet, from the 18th of March, 1821, having on that day completed ten years' faithful service in the grade of brevet colonel in the Army.

Colonel Henry Leavenworth, colonel of the 3d Infantry, to be brigadier-general by brevet, from the 25th of July, 1824, having on that day completed ten years' faithful service in the grade of brevet colonel in the Army.

Colonel John McNeal, jr., colonel of the 1st Infantry, to be brigadier-general by brevet, from the 25th of July, 1824, having on that day completed ten years' faithful service in the grade of brevet colonel in the Army.

Brevet Colonel George M. Brooke, lieutenant-colonel of the 4th Infantry, to be brigadier-general by brevet, from the 17th of September, 1824, having on that day completed ten years' faithful service in the grade of brevet colonel in the Army.

Colonels by brevet.

Lieutenant-Colonel Abram Eustis, lieutenant-colonel of the 4th Artillery, to be colonel by brevet, from the 10th of September, 1823, having on that

day completed ten years' faithful service in the grade of brevet lieutenant-colonel in the Army.

Lieutenant Colonel Joseph Totten, lieutenant-colonel of the Corps of Engineers, to be colonel by brevet, from the 11th of September, 1824, having on that day completed ten years' faithful service in the grade of brevet lieutenant-colonel in the Army.

Brevet Lieutenant-Colonel Roger Jones, major of the 2nd Artillery, to be colonel by brevet, from the 17th September, 1824, having on that day completed ten years' faithful service in the grade of brevet lieutenant-colonel in the Army.

Lieutenant-colonels by brevet.

Major Daniel Baker, major of the 3d Infantry, to be lieutenant-colonel by brevet, from the 9th of August, 1822, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Major Ichibod B. Crane, major of the 4th Artillery, to be lt. colonel by brevet, from the 13th of November, 1823, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Major Sullivan Burbank, major of the 7th Infantry, to be lt. colonel by brevet, from the 25th of July, 1824, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Major William S. Foster, major of the 4th Infantry, to be lieutenant colonel by brevet, from the 15th of August, 1824, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Brevet Major Wm. I. Worth, captain of the 1st Artillery, to be lt. colonel by brevet, from the 25th of July, 1824, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Brevet Major Alexander C. W. Fanning, captain of the 2d Artillery, to be lt. colonel by brevet, from the 15th of August, 1824, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Brevet Major Alexander S. Brooks, captain of the 1st Artillery, to be lieutenant-colonel by brevet, from the 11th of September, 1824, having on that day completed ten years' faithful service in the grade of brevet major in the Army.

Majors by brevet.

Captain John Mountfort, captain of the 2d Artillery, to be major by brevet, from the 11th September, 1824, having on that day completed ten years' faithful service in the grade of brevet captain in the Army.

Captain Reynolds M. Kirby, capt. of the 1st Artillery, to be major by brevet, from the 17th of September, 1824, having on that day completed ten years' faithful service in the grade of brevet captain in the Army.

Captain Samuel Spotts, captain of the 4th Artillery, to be major by brevet, from the 8th of January, 1825, having on that day completed ten years' faithful service in the grade of brevet captain in the Army.

Captain by brevet.

First Lieut. Joshua B. Brant, 1st lt. of the 2d Inf'y, to be captain by brevet from the 17th of September, 1824, having on that day completed ten years' faithful service in the grade of brevet 1st lt. in the Army.

MARCH 11, 1829.

ANDREW JACKSON.

The messages were severally read.

The Senate proceeded, by unanimous consent, to consider the message nominating Beekman V. Hoffman and others for promotion in the Navy and Marine Corps; and

Resolved, That they advise and consent to all the appointments therein contained, except to the appointments of E. J. Weed and Joseph C. Hall; which were ordered to lie on the table.

The Senate proceeded, by unanimous consent, to consider the message nominating Grenville C. Cooper and Francis B. Stockton to be pursers in the Navy; and

Resolved, That they advise and consent to their appointments agreeably to the nominations.

The Senate proceeded to consider the message nominating to brevet appointments in the Army; and

Ordered, That they be referred to a select committee to be appointed by the Vice-President.

Messrs. Benton, Barnard, Hendricks, Frelinghuysen, and McLean, of Illi., were appointed.

The Senate proceeded to consider the message of yesterday, nominating Mark Dennett and others to be officers of the customs.

On the question, "Will the Senate advise and consent to the appointment of Thomas McCrate?"

It was determined in the affirmative	{	Yeas.....	33
		Nays.....	3

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barnard, Benton, Bell, Burnet, Clayton, Dickerson, Dudley, Frelinghuysen, Hendricks, Holmes, Iredell, Kane, King, Knight, Livingston, McKinley, McLane of Del., McLean of Illi., Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Silsbee, Smith of Md., Smith of S. C., Sprague, Tazewell, Tyler, White, Willey, Woodbury.

Those who voted in the negative are,

Messrs. Chase, Foot, Seymour.

Whereupon,

Resolved, That the Senate advise and consent to all the nominations contained therein except to the nomination of George Brown, which was ordered to be referred to a select committee.

It was agreed that the Vice-President appoint the committee; and

Mr. Woodbury, Mr. Silsbee, Mr. Bibb, Mr. Johnston, and Mr. McLane, of Delaware, were appointed.

THURSDAY, MARCH 12, 1829.

Mr. Benton, from the committee to whom was referred the message of yesterday nominating Callender Irvine to office, reported.

Whereupon,

Resolved, That the Senate advise and consent to the appointment of Callender Irvine agreeably to the nomination.

Mr. Woodbury, from the committee to whom was referred the nomination of George Brown, reported.

Whereupon,

Resolved, That the Senate advise and consent to the appointment of George Brown agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Donaldson, his secretary :

To the Senate of the United States :

In addition to the brevet nominations heretofore presented, I submit for the consideration and advice of the Senate the inclosed list.

ANDREW JACKSON.

MARCH 12, 1829.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, 19th May, 1828.

BREVET PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Brevet major-general.

Thomas S. Jessup, brigadier general and quartermaster-general, 8th May, 1818, to be major-general by brevet, to take rank from 8th of May, 1828, for faithful service ten years in one grade.

Brevet colonels.

John B. Walbach, major 1st Regiment of Artillery, 25th of April, 1818, and lieut. colonel by brevet, 1st May, 1815, to be colonel by brevet, from the 25th of April, 1828, having served faithfully as brevet lieutenant-colonel, and performed the appropriate duties of that grade for ten years consecutively.

William Lawrence, lieutenant-colonel 2d Reg't of Infantry, 8th of May, 1818, to be colonel by brevet, to take rank from 8th May, 1828, for faithful service ten years in one grade.

Brevet majors and captains.

William T. Poussin, assistant topographical engineer, to be major by brevet from 6th March, 1828, having served faithfully as a brevet captain and performed the appropriate duties of that grade for ten years consecutively.

J. S. McIntosh, captain 4th Regiment of Infantry, 8th March, 1817, to be major by brevet, to take rank from 8th March, 1827, for faithful service ten years in one grade.

Elijah Boardman, captain 2d Regiment of Infantry, 31st March, 1817, to be major by brevet, to take rank from 31st March, 1827, for faithful service ten years in one grade.

John Garland, captain 3d Regiment of Infantry, 7th May, 1817, to be major by brevet, to take rank from 7th May, 1827, for faithful service ten years in one grade.

Rufus L. Baker, captain 1 Reg't of Artillery, 21 May, 1817, to be major by brevet, to take rank from 21 May, 1827, for faithful service ten years in one grade.

James M. Glassell, captain 4th Reg't of Infantry, 10th February, 1818, to be major by brevet, to take rank from 10th February, 1828, for faithful service ten years in one grade.

Francis L. Dade, captain 4th Regiment of Infantry, 24th February, 1818, to be major by brevet, to take rank from 24th February, 1828, for faithful service ten years in one grade.

John L. Contee, assistant topographical engineer, to be major by

brevet from 18th April, 1828, having served faithfully as a brevet captain and performed the appropriate duties of that grade for ten years consecutively.

John Erving, captain 4th Regiment of Artillery, 25th April, 1818, to be major by brevet, to take rank from 25th April, 1828, for faithful service ten years in one grade.

Philip Wager, captain 4th Regiment of Infantry, 8th of May, 1818, to be major by brevet, to take rank from 8th May, 1828, for faithful service ten years in one grade.

Gustavus S. Drane, 1st lieutenant 2 Reg't of Artillery, 15th November, 1817, to be captain by brevet, to take rank from 15th November, 1827, for faithful service ten years in one grade.

Timothy Green, 1 Lt. 1 Reg't of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

George W. Gardiner, 1 Lt. 2 Regiment of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

Charles S. Merchant, 1 Lt. 2d Regiment of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

Charles Mellon. 1 Lt. 2d Reg't of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

Allen Lowd, 1 Lt. 2 Regiment of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

Henry W. Fitzhugh, 1 lieutenant 2nd Regiment of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

James S. Abeel, 1 Lt. 2nd Regiment of Artillery, 20th April, 1818, to be captain by brevet, to take rank from 20th April, 1828, for faithful service ten years in one grade.

ANDREW JACKSON.

MARCH 12TH, 1829.

To the Senate of the United States :

I nominate Daniel T. Patterson, a captain in the Navy, to be a member of the Board of Navy Commissioners, and for reappointment.

George Harrison to be Navy agent for the port of Philadelphia, for four years from 3d March, 1829.

James Riddle to be Navy agent for the port of New Castle, Del., for four years from the 3d March, 1829.

Isaac Philips to be Navy agent for the port of Baltimore, Md., for four years from 3d March, 1829.

Miles King to be Navy agent for the port of Norfolk, Va., for four years from 3d March, 1829.

John P. Henry to be Navy agent for the port of Savannah, Georgia, for four years from 3d March, 1829.

John T. Robertson to be Navy agent for the port of Charleston, S. C., for four years from 3d March, 1829.

Matthew Harvey to be Navy agent for the port of Portsmouth, New Hampshire, for four years from 3d March, 1829.

ANDREW JACKSON.

MARCH 12, 1829.

The Vice-President of the United States and President of the Senate :

I nominate to the Senate Thomas P. Moore, of Kentucky, as envoy extraordinary and minister plenipotentiary of the United States to Colombia, in place of William Henry Harrison, recalled.

ANDREW JACKSON.

WASHINGTON, 12th March, 1829.

To the Senate of the United States :

I nominate Thomas Griffith, of Kentucky, to be Indian agent on Red River, in the place of Captain Gray, deceased.

James Hampson, of Ohio, to be superintendent of the Cumberland road, for that part which lies west of Zanesville, and in the State of Ohio.

ANDREW JACKSON.

MARCH 12TH, 1829.

To the Senate of the United States :

I nominate Robert F. Stockton, Isaac McKeever, lieutenants in the Navy, to be masters commandant.

Robert G. Robb, Fitz Allen Deas, midshipmen in the Navy, to be lieutenants.

ANDREW JACKSON.

WASHINGTON CITY, 12th March, 1829.

To the Senate of the United States :

I nominate Allen Latham, of Chillicothe, Ohio, to fill the office of surveyor for the Virginia military district, within the State of Ohio.

ANDREW JACKSON.

MARCH 12, 1829.

The messages were severally read.

On motion by Mr. Woodbury,

Ordered, That the message nominating Daniel T. Patterson and others be referred to a select committee.

It was agreed that the Vice-President appoint the committee; and Mr. McLane, of Delaware, Mr. Robbins, Mr. Woodbury, Mr. Seymour, and Mr. Tazewell were appointed.

Ordered, That the message nominating Robert F. Stockton and others, and the nominations of E. J. Weed, and J. C. Hall, be referred to the same committee.

Ordered, That the message nominating Thomas S. Jessup and others for promotion by brevet, be referred to the committee to whom the nominations for brevet appointments were yesterday referred.

The Senate proceeded, by unanimous consent, to consider the message nominating Thomas Griffith and James Hampson; and,

Resolved, That they advise and consent to their appointments agreeably to the nominations.

The Senate resumed the consideration of the motion made the tenth instant to refer the message transmitting the instructions to the ministers of the United States at Panama to a select committee.

Mr. Benton had leave to withdraw the motion, and submitted the following as a substitute:

The late President of the United States having, by his message of the 3d March, 1829, communicated to the Senate a copy of the instructions to the ministers of the United States appointed to attend at the assembly of American plenipotentiaries first held at Panama, and

thence transferred to Tacubaya, with "a view to their general publication," which is claimed by him as an act of justice to the Government from which they emanated: Therefore,

Resolved, That the injunction of secrecy be removed from said documents so far as to permit the publication of the same, as containing the views of the late Executive of the United States, it being hereby declared that such publication is not to be considered as the expression of an opinion on the part of the Senate in relation to any of the principles avowed or measures suggested in said instructions.

The Senate proceeded to consider the motion; and

After debate,

On motion by Mr. Smith, of S. C.,

The Senate adjourned.

FRIDAY, MARCH 13, 1829.

The Vice-President being absent, the Senate proceeded to the choice of a President *pro tempore*; and, on counting the ballots, it appeared that the Honorable Samuel Smith had a majority and was elected.

On motion by Mr. Smith, of S. C.,

Ordered, That the Secretary wait on the President of the United States and inform him that the Vice-President having retired, the Senate had elected the Honorable Samuel Smith President *pro tempore*.

Mr. McLane, of Delaware, from the committee to whom was referred the message nominating Daniel T. Patterson and others, reported.

Whereupon,

Resolved, That the Senate advise and consent to the appointments of Daniel T. Patterson, George Harrison, James Riddle, Isaac Philips, Miles King, John P. Henry, John T. Robertson, and Matthew Harvey agreeably to their nominations respectively.

Mr. McLane, of Delaware, from the committee to whom was referred the message nominating Robert F. Stockton and others to offices, reported.

The Senate proceeded to consider the nominations contained therein; and,

On motion by Mr. Tazewell,

Ordered, That the nominations of Robert F. Stockton and Isaac McKeever be postponed to the first day of the next session.

On motion by Mr. McLane,

Ordered, That the nominations of Robert G. Robb and Fitz Allen Deas lie on the table.

Mr. McLane, from the committee to whom the nominations of E. J. Weed and Joseph C. Hall were referred, reported.

Ordered, That the said nominations lie on the table.

The Senate proceeded to consider the message nominating Thomas P. Moore to office; and

On the question, Will the Senate advise and consent to this appointment?

It was determined in the affirmative, { Yeas 21
Nays 12

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are

Messrs. Barnard, Barton, Benton, Bibb, Dudley, Iredell, Kane, King, Livingston, McKinley, McLane of Del., McLean of Illi., Noble, Rowan, Sanford, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

Those who voted in the negative are,
Messrs. Bell, Burnet, Chase, Foot, Holmes, Knight, Marks, Robbins,
Ruggles, Seymour, Silsbee, Willey.

So it was

Resolved, That the Senate advise and consent to the appointment of Thomas P. Moore agreeably to the nomination.

The Senate proceeded to consider the message nominating Allen Latham to office; and

Resolved, That they advise and consent to the appointment agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Donaldson, his Secretary :

To the Senate of the United States :

I nominate Myles Elliott, jun'r, of North Carolina, to fill the office of surveyor for the port of Hutford, North Carolina, in the place of Josiah Townsend, deceased.

ANDREW JACKSON.

MARCH 12, 1829.

To the Senate of the United States :

I nominate James Wilkinson Schaumburgh, of Lou'iana, to be a second lieutenant of marines.

ANDREW JACKSON.

WASHINGTON CITY, 13th March, 1829.

The messages were read.

The Senate resumed the consideration of the motion submitted yesterday by Mr. Benton relative to the instructions to the ministers of the United States at Panama; and

After debate,

On motion by Mr. Smith, of S. C., that it lie on the table,

It was determined in the negative, {	Yeas.....	6
	Nays	30

On motion by Mr. Smith, of S. C.,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Dudley, Kane, Livingston, Rowan, Ruggles, Smith of S. C.

Those who voted in the negative are,

Messrs. Barnard, Barton, Bell, Benton, Bibb, Burnet, Chase, Dickerson, Foot, Hendricks, Holmes, Iredell, King, Knight, McKinley, McLane of Del., McLean of Illinois, Marks, Noble, Robbins, Sanford, Seymour, Silsbee, Smith of Md., Tazewell, Tyler, Webster, White, Willey, Woodbury.

And after debate,

On motion by Mr. Holmes,
The Senate adjourned.

SATURDAY, MARCH 14, 1829.

The Senate proceeded to consider the message nominating James Wilkinson Schaumburgh to office; and

Resolved, That they advise and consent to the appointment, agreeably to the nomination.

The Senate proceeded to consider the message nominating Myles Elliot to office; and

Resolved, That they advise and consent to the appointment, agreeably to the nomination.

Mr. McLane, of Del., submitted the following motion:

Resolved, That the injunction of secrecy be, and it hereby is, removed from the proceedings of the Senate on the nomination of John J. Crittenden to be a judge of the Supreme Court of the United States; on the nomination of William Creighton, jr., to be district judge in the State of Ohio; on the nomination of H. H. Gurley to be district judge in Louisiana; on the nomination of Joseph Hopkinson to be district judge in the State of Pennsylvania; and on the nomination of William Clark as Treasurer of the United States.

The Senate proceeded to consider the resolution; and

A motion was made by Mr. Bell to amend the same by striking out all after "Resolved" and inserting the following:

That the injunction of secrecy be, and it is hereby, removed from the proceedings of the Senate on the several nominations made by the President at the last and present session of the Senate.

Mr. White called for a division of the question; and it was taken on striking out,

And determined in the negative, {	Yeas.....	16
	Nays.....	19

On motion by Mr. Barnard,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Barnard, Barton, Bell, Burnet, Chase, Foot, Hendricks, Holmes, Ruggles, Sanford, Seymour, Silsbee, Tazewell, Webster, Willey, Woodbury.

Those who voted in the negative are,

Messrs. Benton, Bibb, Dickerson, Dudley, Iredell, Kane, King, Livingston, McKinley, McLane of Del., McLean of Illinois, Marks, Noble, Robbins, Rowan, Smith of Md., Smith of S. C., Tyler, White.

On motion by Mr. McKinley that the resolution lie over,

It was determined in the negative, {	Yeas.....	4
	Nays.....	31

On motion by Mr. Barnard,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barton, McKinley, Smith of Md., Smith of S. C.

Those who voted in the negative are:

Messrs. Barnard, Bell, Benton, Bibb, Burnet, Chase, Dickerson, Dudley, Foot, Hendricks, Holmes, Iredell, Kane, King, Livingston, McLane of Del., McLean of Illinois, Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Tazewell, Tyler, Webster, White, Willey, Woodbury.

On the question to agree to the resolution,

It was determined in the affirmative, {	Yeas.....	27
	Nays.....	8

On motion by Mr. Holmes,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Barnard, Bell, Benton, Bibb, Burnet, Chase, Dickerson, Dudley, Foot, Hendricks, Holmes, Iredell, Kane, McLane of Del., McLean, of Ill., Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Tyler, Webster, White, Willey.

Those who voted in the negative are,
Messrs. Barton, King, Livingston, McKinley, Smith of Md., Smith, S. C., Tazewell, Woodbury.

So the resolution was agreed to.

The following message was received from the President of the United States, by Mr. Donaldson, his Secretary, which was read:

To the Senate of the United States :

I nominate Second Lieutenant Alvin Edson to be a first lieutenant of Marines, vice Thomas B. Barton, resigned.

ANDREW JACKSON.

WASHINGTON CITY, 14 March, 1829.

The Senate proceeded to consider the message, by unanimous consent; and

Resolved, That they advise and consent to the appointment of Alvin Edson, agreeably to the nomination.

The Senate resumed the consideration of the nominations of Robert G. Robb and Fitz Allen Deas, contained in the message of the 12th instant; and

Ordered, That they be postponed to the first day of the next session.

Mr. Benton, from the committee to whom the nominations for brevet promotions contained in the messages of the 11th and 12th instant were referred, reported; and

The Senate adjourned.

MONDAY, MARCH 16, 1829.

The Senate proceeded to consider the message of the 11th instant nominating Alexander H. Bowman and others for brevet appointments in the Army; and

Resolved, That they advise and consent to the appointments therein contained, agreeably to the nominations respectively.

The Senate proceeded to consider the message of the 12th instant nominating Thomas S. Jesup and others for brevet promotions in the Army.

On motion by Mr. McLane, of Delaware, to postpone the said nominations until the first day of the next session,

It was determined in the negative.

Whereupon

Resolved, That the Senate advise and consent to the appointments therein contained, agreeably to the nominations.

The Senate proceeded to consider the message of the 11th instant nominating Walker K. Armistead and others for brevet appointments; and

Resolved, That they advise and consent to the appointments therein contained, agreeably to the nominations.

The Senate proceeded to consider the message of the 11th instant nominating John R. Fenwick and others for promotion in the Army; and

Resolved, That they advise and consent to the appointments therein contained, agreeably to the nominations respectively.

The Senate proceeded to consider the nominations of E. J. Weed and Joseph O. Hall, contained in the message of the 11th instant; and

Resolved, That they advise and consent to the appointments of E. J.

Weed and Joseph C. Hall, agreeably to their nominations respectively.

The Senate resumed the consideration of the motion submitted by Mr. Benton the 12th instant, respecting the instructions to the ministers of the United States at the Congress of Panama.

A motion was made by Mr. Webster to amend the same by striking out all after "*Resolved*," and inserting *That the message of the late President of the United States of the 3d March, transmitting the instructions given to the ministers of the United States at the Congress of Panama, and the documents accompanying it, be transferred to the Legislative Journal of the Senate,*

A division of the question was called for by Mr. King, and the question being taken on striking out,

It was determined in the negative, { Yeas..... 13
Nays..... 19

On motion by Mr. Barnard,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barton, Burnet, Chase, Foot, Hendricks, Marks, Noble, Robbins, Ruggles, Sanford, Seymour, Webster, Willey.

Those who voted in the negative are,

Messrs. Barnard, Benton, Bibb, Dickerson, Dudley, Iredell, Kane, King, Livingston, McKinley, McLane of Del, McLean of Illinois, Rowan, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

On motion by Mr. Tazewell to amend the resolution by striking out all after the word "*emanated*," in the — line, and inserting the following: *The Senate have bestowed upon the said instructions the most careful attention; and not being able to discover any possible benefit which may result from their publication at this time; on the contrary, finding in them many expressions, insinuations, and opinions, in the justice and propriety of which the Senate do not concur, but regard the promulgation of the same as a measure which may be productive of much public detriment: Therefore,*

Resolved, That the said instructions be returned to the Department of State,

It was determined in the negative, { Yeas..... 9
Nays..... 23

On motion by Mr. Webster,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Dickerson, Dudley, Kane, Livingston, Smith of Md., Smith of S. C., Tazewell, White, Woodbury.

Those who voted in the negative are,

Messrs. Barnard, Barton, Benton, Bibb, Burnet, Chase, Foot, Hendricks, Iredell, King, McKinley, McLane of Del., McLean of Illinois, Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Tyler, Webster, Willey.

On motion by Mr. McLean, of Del., to amend the resolution by striking out all after the words "*Resolved, That*," and inserting, *the said message, and the documents accompanying it, as containing the views of the late Executive, be transferred to the Legislative Journal of the Senate; it being hereby declared that such transfer is not to be considered as the expression of an opinion on the part of the Senate of the propriety of the said message, or of the language used, the principles avowed, or the measures suggested in said instructions,*

A division of the question was called for, and being taken on striking out, it was determined in the affirmative.

A motion was made by Mr. Ruggles to amend the amendment proposed to be inserted by striking out the following clause: "it being hereby declared that such transfer is not to be considered as the expression of an opinion on the part of the Senate of the propriety of the said message, or of the language used, the principles avowed, or measures suggested in said instructions;"

And

It was determined in the negative, { Yeas 13
Nays 19

On motion by Mr. Chase,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barton, Burnet, Chase, Foot, Hendricks, Marks, Noble, Robbins, Ruggles, Sanford, Seymour, Webster, Willey.

Those who voted in the negative are,

Messrs. Barnard, Benton, Bibb, Dickerson, Dudley, Iredell, Kane, King, Livingston, McKinley, McLane of Del., McLean of Illi., Rowan, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

A motion was made, by Mr. Webster, to amend the proposed amendment by inserting, after the word "propriety," the words, *or impropriety*;

And

It was determined in the affirmative, { Yeas 21
Nays 11

On motion by Mr. Webster,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barnard, Barton, Benton, Burnet, Chase, Dickerson, Dudley, Foot, Hendricks, Iredell, McLane of Del., Marks, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Webster, Willey, Woodbury.

Those who voted in the negative are,

Messrs. Bibb, Kane, King, Livingston, McKinley, McLean of Illinois, Smith of Md., Smith of S. C., Tazewell, Tyler, White.

The amendment thus amended was then agreed to.

On the question to agree to the original motion as amended,

It was determined in the affirmative, { Yeas 22
Nays 10

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Barnard, Barton, Benton, Bibb, Burnet, Chase, Dickerson, Dudley, Foot, Hendricks, Iredell, King, McKinley, McLane of Del., Marks, Noble, Robbins, Ruggles, Sanford, Seymour, Webster, Willey.

Those who voted in the negative are,

Messrs. Livingston, McLean of Illinois, Rowan, Smith, of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

So the resolution was agreed to as follows:

The late President of the United States, having by his message of the 3d March, 1829, communicated to the Senate a copy of the instructions to the ministers of the United States appointed to attend at the assembly of American plenipotentiaries, first held at Panama, and thence transferred to Tacubaya, with "a view to their general publication," which is claimed by him "as an act of justice to the Government from which they emanated": *Therefore, Resolved*, That the said message and documents

accompanying it, as containing the views of the late Executive, be transferred to the Legislative Journal of the Senate, it being hereby declared that such transfer is not to be considered as the expression of an opinion on the part of the Senate of the propriety or impropriety of the said message, or of the language used, the principles avowed, or measures suggested in said instructions.

On motion by Mr. Tazewell

Ordered, That the proceedings of the Senate, on the subject of the message transmitting the instructions to the ministers of the United States, at the Congress of Panama, be transferred to the Legislative Journal.

On motion by Mr. Seymour that the message and the instructions be printed,

It was determined in the negative, { Yeas 13
Nays 18

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present;

Those who voted in the affirmative are,

Messrs. Barnard, Barton, Burnet, Chase, Foot, Hendricks, Marks, Noble, Robbins, Sanford, Seymour, Webster, Willey.

Those who voted in the negative are,

Messrs. Benton, Bibb, Dickerson, Dudley, Iredell, Kane, King, Livingston, McKinley, McLane of Del., McLean, Illinois, Rowan, Smith of Md., Smith of S. C., Tazewell, Tyler, White, Woodbury.

The following motion, submitted by Mr. Sanford, was agreed to:

Resolved, That a committee be appointed to wait on the President of the United States and inform him that the Senate is ready to adjourn if he has no further communication to make.

Ordered, That Mr. Sanford and Mr. Dickerson be the committee.

The following motion was submitted by Mr. Foot:

Resolved, That it is inexpedient to appoint ministers to any foreign Government of a higher grade than the foreign Government usually maintains in the United States, except in special cases, where the public interest may require such appointments.

And while the said motion was under consideration,

The Senate adjourned to meet at 10 o'clock to-morrow morning.

TUESDAY, MARCH 17, 1829.

Mr. Sanford, from the committee appointed to wait on the President of the United States and inform him of the intended recess, reported that they had performed the duty assigned them, and that the President replied that he had no further communication to make.

The Senate resumed the consideration of the resolution relating to the appointment of ministers of the United States at foreign courts; and

On motion,

Ordered, That it lie on the table.

Whereupon,

The Senate adjourned *sine die*.